

# *FAQs About IDEA 2004*

## **Early Intervening Services**

The IDEA 2004 allows a school district to use up to 15 percent of its Part B funds to provide support to students who have not been identified as eligible for special education services. These services are referred to as “Early Intervening Services” and are available in the general education environment to students from kindergarten through grade twelve, with an emphasis on grades kindergarten to grade three. These services are separate from the Early Intervention services provided under Part C of IDEA.

### **What types of activities are included in Early Intervening Services?**

Activities that can be funded as early intervening services include:

- Professional development for teachers and other school staff to improve the delivery of scientifically based academic instruction and behavioral interventions; and
- Providing educational and behavioral evaluations, service and supports, including scientifically based literacy instruction.

### **How is early intervening different from the Response to Intervention (RtI) process?**

The term “Early Intervening Services” refers to a broad application of support services and includes activities such as professional development, evaluation, and support for students who are not yet eligible under the IDEA 2004. The RtI is the process of gathering and examining data for use in developing and judging the effectiveness of research-based interventions used with students in the context of evaluating a student for a specific learning disability. The response to intervention process for developing and judging the effectiveness of research-based interventions with an individual student occurs within the broader context of early intervening services.

### **Are there additional requirements when school districts use Part B funds for early intervening services?**

Yes. Each school district that develops and maintains a system of early intervening services shall annually report to the Office of Public Instruction on:

- The number of students served through early intervening services; and
- The number of students served through early intervening services who were subsequently found to be eligible for special education and related services.

The reauthorized Individuals with Disabilities Education Act (IDEA) became effective on July 1, 2005. This list of Frequently Asked Questions (FAQ) sheet is one of a series from the Montana Office of Public Instruction which highlight changes resulting from the reauthorization of the IDEA. Additional changes may result from the final regulations.

If you have further questions, please contact your local special education director or the Montana Office of Public Instruction. A complete listing of current OPI IDEA FAQs can be found at [www.opi.mt.gov/speced/FAQs](http://www.opi.mt.gov/speced/FAQs).



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